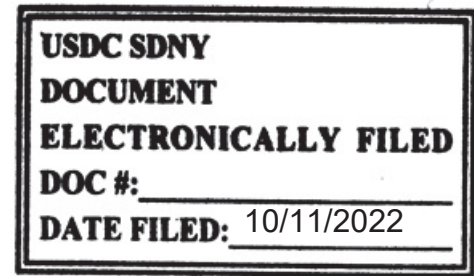


October 7, 2022

VIA ECF

Hon. Robert W. Lehrburger
United States Magistrate Judge
500 Pearl Street
New York, New York 10007



Re: *Farsura v. QC Terme US Corp.*, No. 1:21-cv-9030-AT-RWL (S.D.N.Y.)

Dear Judge Lehrburger:

We write jointly except as to the fifth paragraph on behalf of Defendant QC Terme US Corp. with Plaintiffs Stefano Farsura and SF Capital Partners LLC to seek a stay of expert discovery in the above referenced case. Resolution of the parties' pending and anticipated motions may significantly affect the need for or scope of expert discovery in this case. Accordingly, considerations of judicial economy and the preservation of party resources favor a stay.

On June 10, 2022, Your Honor entered a modified discovery schedule setting the close of fact discovery for October 7, 2022. ECF No. 79. That discovery schedule also provided that the period of expert discovery would begin on or before October 7 and close on November 21. *Id.*

On September 13, 2022, Judge Torres entered an order dismissing all of Plaintiffs' claims except Count I (breach of contract). ECF No. 163 ("Dismissal Order"). On September 27, Plaintiffs moved for clarification or, in the alternative, reconsideration of the Dismissal Order, which Defendant opposes.¹ ECF No. 181. Plaintiffs' motion seeks clarification of "whether Defendant is foreclosed from disputing [the] validity" of the alleged August 2, 2017 version of the operating agreement for non-party QC Terme US Holding LLC. ECF No. 185 at 3. In the alternative, Plaintiffs seek "reconsideration of the dismissal of Count V" (breach of fiduciary duty). *Id.* Plaintiffs also intend to seek leave to file an amended complaint to cure jurisdictional deficiencies identified in the Dismissal Order based on facts learned in discovery, which request Defendant would oppose.

Separately, Defendant intends to seek a pre-motion conference regarding its contemplated motion for summary judgment on the question of whether the parties formed a valid, binding, and enforceable contract, thus disposing of the only claim the Court sustained on the motion to dismiss.

Plaintiffs alone state: Plaintiffs would oppose this motion and cross-move on the basis of judicial estoppel.

Neither party believes that expert testimony is necessary to resolve these summary-judgment motions.

The outcome of the pending and forthcoming motions may significantly affect the number, type,

¹ Defendant's opposition is due October 11 and Plaintiffs' reply is due October 18.

and need for expert testimony, and the sequence of expert reports.

For these reasons, the parties jointly request the Court enter an order staying expert discovery until two weeks after the later of the Court's resolution of (1) Plaintiffs' motion for clarification or reconsideration and (2) any motion(s) for summary judgment on the question of contract formation (to the extent the Court permits such a motion be filed).

Respectfully submitted,

/s/ Vincent Levy

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Counsel for Defendant

The request is granted. Upon consent, and in the interest of efficiency for all concerned, expert discovery is stayed until the Unstay Date, defined to be 14 days after the later of the Court's resolution of (1) Plaintiff's motion for clarification or reconsideration and (2) any motion(s) for summary judgment on the question of contract formation (to the extent the Court permits such motion to be filed) provided that any summary judgment as to contract formation is filed within 30 days following the completion of fact discovery. The parties shall file a proposed schedule for completion of expert discovery within 10 days of the Unstay Date.

SO ORDERED:

10/11/2022



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE